

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
GEORGE B. YOUNG.

EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

*§ 94. Property, etc., of deceased convict, how disposed of. When any convict shall die in prison, leaving money or other valuables to his or her credit to the amount of ten dollars or more, it shall be the duty of the warden to pay the amount so due to the heirs or administrators of such deceased convict when they can be found; and in case no heirs or administrators can be found, the warden shall advertise in some weekly paper printed at the capital, for six weeks in succession, at the death of such convict, stating the amount due such convict; the expense of such advertising to be paid from the money belonging to such deceased convict. (1874, c. 17, § 9.)

CHAPTER CXXI.

OF THE GENERAL STATUTES AND THEIR EFFECT.

SECTION.

1-2. General Statutes, how to be cited—when to take effect.
 3-6. Repeals—not to revive former laws—nor to affect rights accrued, etc.—or penalties incurred—or actions pending.

SECTION.

7. Period of limitation to continue to run.
 8. Tenure of offices preserved.
 9. General Statutes a continuation of former laws.

*§§ 94 to 99, incl. See 1883 Sup't, pp. 89, 90.

§ 1. General Statutes, how to be cited. This act shall not, in any citation or enumeration of the statutes, be reckoned as one of the acts of the present year, but may be designated as the General Statutes, adding, when necessary, the number of the chapter and section.

§ 2. To take effect, when. The General Statutes aforesaid shall take effect and go into operation from and after the thirty-first day of July, in the year eighteen hundred and sixty-six.

§ 3. Repeals not to revive former laws. The repeal of the acts and resolves, and parts of acts and resolves, revised and re-enacted herein, or repugnant to the provisions hereof, shall not revive any law heretofore repealed or superseded, nor any office heretofore abolished.

§ 4. Same—not to affect acts done, rights accrued, etc. It shall not affect any act done, or any right accruing, accrued or established, or any proceedings, doings or acts ratified or confirmed, or any action or proceeding had or commenced in a civil cause, before the repeal takes effect; but the proceedings thereon, shall, when necessary, conform to the provisions of the General Statutes.

12 M. 580; 13 M. 153; 16 M. 215, 230.

§ 5. Same—not to affect penalties incurred, except, etc. It shall not affect any penalty or forfeiture incurred before it takes effect, under any of the laws repealed; except that where a punishment, penalty or forfeiture is mitigated by the provisions of the General Statutes, such provisions may be extended and applied to any judgment pronounced after said repeal.

§ 6. Same—not to affect actions pending, etc. It shall not affect any action or prosecution pending at the time of the repeal, for an offence committed, or for the recovery of a penalty or forfeiture incurred, under any of the acts repealed, except that the proceedings therein shall, when necessary, conform to the provisions of the General Statutes.

§ 7. **Period of limitation to continue to run.** When a limitation or period of time prescribed in any of the acts repealed, for acquiring a right or barring a remedy, or any other purpose, has begun to run, and the same or similar limitation is prescribed in the General Statutes, the time of limitation shall continue to run, and shall have like effect as if the whole period had begun and ended under the operation of the General Statutes.

16 M. 230; 22 M. 380.

§ 8. **Tenure of offices preserved.** All persons who, at the time when said repeal takes effect, hold any office under any of the acts repealed, shall continue to hold the same according to the tenure thereof, except those offices which have been abolished, and those as to which a different provision is made by the General Statutes.

§ 9. **General Statutes to be construed as continuation of former laws.** The provisions of the General Statutes, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments; and references, in laws not repealed, to provisions of laws incorporated into the General Statutes, and repealed, shall be construed as applying to the same provisions so incorporated.

16 M. 230.

CHAPTER CXXII.

OF THE EXPRESS REPEAL OF EXISTING LAWS.

§ 1. **Existing laws repealed.** The following acts, passed in the several years hereinafter enumerated, shall be expressly repealed from and after the day specified in section two of chapter one hundred and twenty-one, subject to all the provisions contained in said chapter:

All of the Revised Statutes of 1851 and the amendments and appendix published and bound with the same in the volume called and known as the Revised Statutes of the territory of Minnesota, except subdivision two of section two, and section three of chapter one hundred and thirty-seven of said Revised Statutes, which, and the several acts therein enumerated, are not affected by said repeal.

One Thousand Eight Hundred and Fifty-one.

[The acts passed in 1851 and 1852 are published in collated statutes of the territory of Minnesota in the year 1853.]

- Chapter 2. An act for the apportionment of representation in the territory.
- Chapter 3. An act regulating the sale of spirituous liquors.
- Chapter 5. An act to authorize the establishment of ferries.

One Thousand Eight Hundred and Fifty-Two.

- Chapter 4. An act for the restriction of the sale of intoxicating liquors within the territory of Minnesota.
- Chapter 6. An act to amend an act entitled "an act to authorize the establishment and regulation of ferries," approved February nineteen, one thousand eight hundred and fifty-one.